

START

004445

HWVP DANGEROUS WASTE PERMIT APPLICATION REVIEW MEETING

ATTENDEES: S. L. Cross (DOE-RL) DATE: October 3, 1989
W. D. Cummings (Ecology)
D. L. Duncan (DOE-RL) LOCATION: Richland, WA
M. T. Gordon (Ecology)
C. J. Geier (WHC)
J. H. LaRue (WHC)
T. M. Michelena (Ecology)
E. L. Nelson (WHC)
D. L. Parker (WHC)
S. M. Price (WHC)



PURPOSE: Status the ongoing review by the Washington State Department of Ecology (Ecology) of the Hanford Waste Vittrification Plant (HWVP) Dangerous Waste Permit Application; review and status associated action items.

MINUTES:

A Unit Manager's meeting was held to discuss the permitting of the Hanford Waste Vittrification Plant (HWVP) and the ongoing review by Ecology of the HWVP Dangerous Waste Permit Application. An agenda for the meeting is attached (Attachment 1) and the main topics of discussion are outlined below.

- o Interim Status. Ecology distributed copies of a letter (Attachment 2) addressing the eligibility of HWVP for interim status as an existing facility. Ecology stated in this letter that, "HWVP does not meet the definition of an existing facility, and therefore does not qualify for interim status." Ecology explained that the letter addresses only interim status as an existing facility and does not address whether the HWVP qualifies for interim status expansion. The original of the letter will be officially transmitted to DOE/WHC to close-out an action item from the August 1, 1989 meeting (see Action Item 1).
- o Part A Permit Application. Ecology requested that the Part A be modified to reflect HWVP as a "new facility" with the date of operations listed as 1999. Ecology also requested that DOE/WHC examine the HWVP Part A to ensure that the listed discarded chemical products are appropriate. Ecology explained that the chemicals are only discarded chemical products if discarded in pure form. If the chemicals are not discarded in pure form they should be struck from the Part A. DOE/WHC agreed to look into why the chemicals are listed in the Part A as part of their response to the HWVP Notice-of-Deficiency (NOD) anticipated from Ecology on October 30, 1989.
- o Permit Application Review Schedule. Ecology distributed a review schedule for the HWVP dangerous waste permit application (Attachment 2). The schedule calls for the first NOD to be submitted to DOE/WHC by October 30, 1989. The schedule will be formally transmitted under a cover letter to close-out an action item from the August 1, 1989 meeting (see Action Item 2).

The first review will concentrate primarily on regulatory issues and the scope of the permit application. Later reviews will address facility design considerations. The NOD will be responded to by submitting additional information as supplements rather than by revising the permit application. It will be necessary, however, to revise the permit application prior to issuance of the final permit.

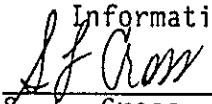
- o Preliminary Design Packages. In the August 1, 1989 meeting, DOE/WHC took an action to determine if any preliminary design packages are available for review by Ecology. DOE/WHC has determined that no preliminary design packages are currently available. The Preliminary Design Report, which will supersede the Reference Conceptual Design Report, is scheduled to be completed in June 1990 (see Action Item 3). Ecology stressed the need to review available design information as soon as possible to help avoid any delays which could impact permit issuance. DOE/WHC agreed to continue to examine ways in which design information can be made available to Ecology in a timely manner (see Action Item 4).
- o RCRA and Clean Air Act Permit Issuance. Ecology stated that it is still their intention to include the Clean Air Act permit as part of the RCRA permit. Ecology took an action during the August 1, 1989 meeting to prepare and transmit a letter detailing this intention. The letter has not yet been finalized (see Action Item 5). DOE/WHC agreed to examine the possibility of submitting the Clean Air Act permit application as a supplement or appendix to the HWVP Dangerous Waste Permit Application (see Action Item 6).
- o Interface Meetings. The schedule for future interface meetings was discussed. Ecology and DOE/WHC agreed to hold monthly interface meetings. The next interface meeting will take place on November 16, 1989 in Lacey, Washington (see Action Item 7).
- o Permit Issuance. Considerable discussion took place regarding the method in which the permit will be issued. DOE/WHC expressed their concern that construction not be delayed by permitting.

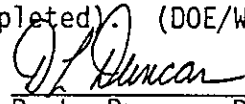
Ecology explained that they plan to issue the permit as a final permit with a compliance schedule included. The compliance schedule will identify hold points beyond which construction can not progress until approval is received from Ecology. The final permit will cover a period of time and will be modified to incorporate additional hold points as construction proceeds. An effort will be made to schedule permit hold points well in advance, based on the integrated design/construction schedule, so as to not impact construction. Ecology emphasized the importance of obtaining an integrated design/construction schedule as soon as possible to help develop hold points for the compliance schedule to be contained in the permit to be completed by March 1991 (See Action Item 8).

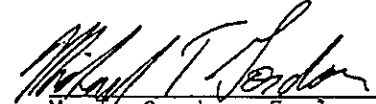
Ecology also envisions that a major permit modification may be required just prior to cold start-up, and possibly just prior to hot start-up, of the HWVP.

Action Items: Key action items assigned during the meeting are summarized as follows:

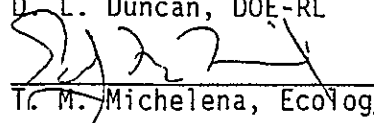
1. Transmit a letter in response to DOE/WHC's latest submittal of information concerning HWVP interim status (Completed). (Ecology)
2. Transmit the review schedule for the HWVP permit application via letter to DOE/WHC (by 10-10-89). (Ecology)
3. Define content of the Preliminary Design Report available in June, 1990 (by 11-16-89). (DOE/WHC)
4. Continue to examine options for supplying HWVP design documents to Ecology; provide documentation of DOE/WHC clearance requirements to Ecology (by 11-16-89). (DOE/WHC)
5. Prepare and transmit a letter detailing Ecology's intention to issue the Clean Air Act permit as part of the RCRA permit (by 11-16-89). (Ecology)
6. Examine the possibility of submitting the Clean Air Act permit application as a supplement to the HWVP dangerous waste permit application (by 11-16-89). (DOE/WHC)
7. Continue to hold HWVP status meetings on a monthly basis; the next meeting is tentatively scheduled for November 16, 1989. (Ecology, DOE/WHC)
8. Provide integrated design/construction schedule as soon as possible after the general construction contractor is on board (with the first NOD response, by 1-29-90). (DOE/WHC)
9. Provide available Preliminary Design drawings (with the first NOD response, by 1-29-90). (DOE/WHC)
10. Provide Ecology with an additional copy of the Reference Conceptual Design Report (including drawings) (by 10-10-89). (DOE/WHC)
11. Provide copies of the following documents to Ecology: DOE 5400.3, DOE 5820.2A, DOE 5480.1B, DOE-RL 6580.1, DOE-RL 5484.1, DOE-RL 5480.1A, DOE-RL 5480.4A, DOE-RL 5480.11A, DOE-HQ 6430.1A, Federal Freedom of Information Act, and Case Law for Exemption 5 of the Federal Freedom of Information Act (Completed). (DOE/WHC)

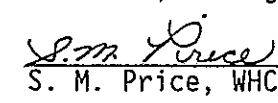

S. L. Cross, DOE-RL


D. L. Duncan, DOE-RL


M. T. Gordon, Ecology


J. H. LaRue, WHC


T. M. Michelena, Ecology


S. M. Price, WHC

ATTACHMENT 1
(Agenda)

2011/11/20

AGENDA
UNIT MANAGERS' MEETING

Page 1 of 2

October 3, 1989
450 Hills, Room 35
Richland, WA

- 8:00 - 9:30 Hanford Waste Vittrification Plant Part B Permit Application
- Status of Permit Application Review (Including Review Schedule) (Ecology)
 - Review of Action Items (Ecology/DOE-RL/WHC)
- 9:30 - 9:45 Break
- 9:45 - 10:15 616 Nonradioactive Dangerous Waste Storage Facility Part B Permit Application
- Status of Permit Application Review (Including Review Schedule) (Ecology)
 - Review of Action Items (Ecology/DOE-RL/WHC)
- 10:15 - 11:30 Simulated High-Level Slurry Treatment/Storage Closure Plan
- Overview of Closure Plan (DOE-RL/PNL)
 - Review of Action Items (Ecology/DOE-RL/PNL)
- 11:30 - 12:00 Treatability Studies
- Overview of Status (DOE-RL/PNL)
 - Discussion and Review of Action Items (Ecology/DOE-RL/PNL)
- 12:00 - 1:00 Lunch
- 1:00 - 1:45 2101-M Closure Plan
- Overview of Closure Plan (DOE-RL/WHC)
 - Review of Action Items (Ecology/DOE-RL/WHC)

AGENDA (CONTINUED)
UNIT MANAGER'S MEETING

Page 2 of 2

October 3, 1989

- 1:45 - 2:30 Single-Shell Tank System Closure/Corrective
 Action Work Plan
- Overview of Closure/Corrective Action Work
 Plan (DOE-RL/WHC)
 - Review of Action Items (Ecology/DOE-RL/WHC)
- 2:30 - 2:45 Break
- 2:45 - 4:00 Close-Out Session (Including Review and Finalization
 of Meeting Minutes) (Ecology/DOE-RL/WHC/PNL)

ATTACHMENT 2
(Letter)

2021/11/16



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Mail Stop PV-11 • Olympia, Washington 98504-8111 • (206) 459-6000

October 2, 1989

Mr. R.D. Izatt, Director
Environmental Restoration Division
U.S. Department of Energy
Richland Operations Office
P.O. Box 550
Richland, WA 99352

Mr. R.E. Lerch, Manager
Environmental Division
Westinghouse Hanford Company
P.O. Box 1970
Richland, WA 99352

Dear Messrs. Izatt and Lerch:

This letter is in response to your April 19, 1989 letter regarding the eligibility of the Hanford Waste Vitrification Plant (HWVP) for interim status under the state dangerous waste regulations, chapter 173-303 WAC.

In previous correspondence¹, USDOE/WHC has asserted that HWVP is an "existing facility" as defined in 173-303-040(105) WAC. This definition of an existing facility requires that either:

- "(a) A continuous on-site, physical construction program has begun; or
- (b) The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time."

After reviewing the information in your April 19, 1989 letter, we have determined that HWVP does not meet the definition of an existing facility, and therefore does not qualify for interim status. The reasons for this conclusion are as follows:

1. No physical construction of HWVP has begun.
2. Contracts, between USDOE and its contractors, for construction of HWVP are of an insufficient scope to be considered contractual obligations for the purpose of this determination. According to your April 19 letter, work on HWVP has consisted of, "engineering studies, process flow sheet development, development of waste acceptance criteria, and

¹Letter to Marc A. Horton, Deputy Director, Department of Ecology, from R.D. Izatt, Director, Environmental Restoration Division, USDOE, and R.E. Lerch, Manager, Environmental Division, WHC, dated August 18, 1988.

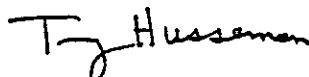
conceptual design." Ecology considers that "contracts for feasibility, engineering, and design studies do not constitute contractual obligations."²

3. Contracts for construction of HWVP could have been cancelled or modified without substantial loss on November 23, 1987 (the effective date of the regulatory change which rendered HWVP subject to dangerous waste permitting requirements). According to your April 19 letter, all HWVP contracts could have been terminated in November 1987 for little more than \$251,000. This termination cost amounts to less than 0.1% of the total HWVP project cost. Ecology considers that, "a loss is deemed substantial if the amount an owner or operator must pay to cancel construction agreements or stop construction exceeds 10% of the total project cost."³

Consequently, based on the information you have provided, Ecology does not agree that HWVP meets the definition of an existing facility. To confirm this, we are returning the HWVP Part A permit application for revisions. We recommend that this form be revised to indicate that HWVP construction has not commenced, and specify the anticipated start of HWVP operations in the appropriate space for a new facility.

As a result of this determination, USDOE may not begin construction of the vitrification plant without first applying for and receiving a final facility dangerous waste permit. Ecology remains committed to reviewing the HWVP Part B permit application as quickly as possible while, at the same time, ensuring that the vitrification plant meets all applicable dangerous waste treatment facility standards.

Sincerely,



Terry Husseman
Assistant Director
Waste Management

TH/RS

Enclosure

cc: Charles Findley
Jay Manning

²Washington State Dangerous Waste Part A Permit Application, Form 3 Instructions. ECY 030-31 INSTR.Form3.
See also, Federal Register 45 FR 33324 no.98 May 19, 1980.

³ibid.

Schedule Name : HANFORD WASTE VITRIFICATION PLANT PERMITTING SCHEDULE
 Responsible : WASHINGTON STATE DEPARTMENT OF ECOLOGY
 As-of Date : 3-Oct-89

| Task Name | Resources | Duratn (Days) | End Date | 89 | | 90 | | 91 | |
|--------------------|-----------|------------------|-------------|-------|-----|-------|-------|-----|-----|
| | | | | Jul | Sep | Nov | Jan | Mar | May |
| | | | | 3 | 1 | 1 | 1 | 1 | 1 |
| HWVP PART B PERMIT | | 589 | 11-Mar-91 | ===== | | | | | |
| SUBMIT APPLICATION | USDOE/WHC | 0 | 31-Jul-89 | m | | | | | |
| ISSUE NOD #1 | ECOLOGY | 92 | 30-Oct-89 | ===== | | | | | |
| NOD #1 RESOPNSE | USDOE/WHC | 91 | 29-Jan-90 | | | ===== | | | |
| ISSUE NOD #2 | ECOLOGY | 91 | 30-Apr-90 | | | | ===== | | |
| NOD #2 RESPONSE | USDOE/WHC | 60 | 29-Jun-90 | | | | ===== | | |
| ISSUE NOD #3 | ECOLOGY | 60 | 28-Aug-90 | | | | ===== | | |
| NOD #3 RESPONSE | USDOE/WHC | 45 | 12-Oct-90 | | | | ===== | | |
| DRAFT PERMIT | ECOLOGY | 60 | 11-Dec-90 | | | | ===== | | |
| PUBLIC COMMENT | ECOLOGY | 45 | 25-Jan-91 | | | | ===== | | |
| FINAL PERMIT | ECOLOGY | 45 | 11-Mar-91 | | | | ===== | | |
| ISSUE PERMIT | ECOLOGY | 0 | 12-Mar-91 | | | | ===== | | |

M

 Detail Task ===== Summary Task M Milestone
 .. (Started) == (Started) >>> Conflict
 --- (Slack) == (Slack) .. Resource delay

Scale: 2 weeks per character

DISTRIBUTION

MEETING MINUTES #80252-89-087

| | |
|-----------------|-------|
| B. N. Anderson | B2-04 |
| M. R. Adams | H4-55 |
| M. J. Anthony | A6-95 |
| J. D. Bauer | B3-15 |
| T. B. Bergman | R1-48 |
| E. A. Bracken | A6-95 |
| L. C. Brown | H4-51 |
| J. W. Cammann | H4-54 |
| R. M. Carosino | A4-52 |
| G. A. Carpenter | H4-15 |
| S. L. Cross | A5-51 |
| C. DeFigh-Price | H4-52 |
| C. K. Disibio | B3-06 |
| W. T. Dixon | H4-51 |
| D. L. Duncan | A6-95 |
| K. R. Fecht | H4-56 |
| R. D. Freeberg | A6-95 |
| C. J. Geier | H4-57 |
| V. W. Hall | H4-17 |
| K. L. Hoewing | B3-06 |
| J. E. Irvin | B2-04 |
| R. D. Izatt | A6-95 |
| G. W. Jackson | R2-29 |
| M. T. Jansky | H4-57 |
| S. W. Ketola | A5-51 |
| J. H. LaRue | B2-06 |
| R. E. Lerch | H4-51 |
| H. E. McGuire | H4-51 |
| D. L. Parker | H4-57 |
| L. L. Powers | H4-57 |
| S. M. Price | H4-57 |
| F. A. Ruck III | H4-57 |
| D. E. Simpson | B3-51 |
| S. J. Skurla | H5-57 |
| S. A. Wiegman | H4-50 |
| D. J. Wiggins | H4-52 |
| K. A. Woodworth | L4-92 |
| EDMC | H4-51 |
| DLP/LB | H4-57 |

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